

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement  
Modesto Federal Courthouse  
1200 I Street, Suite 4  
Modesto, California

**PRE-HEARING DISPOSITIONS**

**DAY:** TUESDAY  
**DATE:** SEPTEMBER 24, 2019  
**CALENDAR:** 11:00 A.M. CHAPTERS 13 AND 12

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [19-90600](#)-A-13     **IN RE: JANICE RATTEREE**  
[RWF-1](#)

MOTION TO VALUE COLLATERAL OF EXETER FINANCE, LLC  
8-22-2019    [\[15\]](#)

ROBERT FONG

### **Final Ruling**

**Motion:** Value Collateral [Personal Property; Motor Vehicle]

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **VALUATION OF COLLATERAL**

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle described as a 2014 Toyota Camry. The debt secured by the vehicle was not incurred within the 910-day period preceding the date of the petition. The court values the vehicle at \$9,241.00.

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value collateral consisting of a motor vehicle has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The personal property collateral described as a 2014 Toyota Camry has a value of \$9,241.00. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$9,241.00 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

2. [19-90503](#)-A-13     **IN RE: JUAN NAJERA**  
[TOG-2](#)

CONTINUED MOTION TO CONFIRM PLAN  
7-23-2019    [\[29\]](#)

THOMAS GILLIS  
RESPONSIVE PLEADING

### Final Ruling

**Motion:** Confirm First Amended Plan

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Denied

**Order:** Civil Minute Order

### PLAN CONFIRMATION

This is a continued hearing. The debtor bears the initial burden of proof by a preponderance of evidence that the plan meets all confirmation requirements. *In re Warner* 115 BR 233, 236 (BC CD CA 1989); *see also In re Wolff* 22 BR 510, 512 (9th Cir. BAP 1982); *see* G.Plan Confirmation Procedure, Cal. Prac. Guide Bankruptcy Ch. 13-G. When an objector has come forward with evidence to support the objection, the debtor bears the burden to produce rebuttal evidence. *In re Mendenhall* 54 BR 44, 47 (BC WD AR 1985).

Trustee opposed because she contends debtor testified that he earns \$30.00 per hour (\$5,200.00 per month). Debtor has failed to file Amended Schedules I and J, reflecting the debtor's income and expenses.

The court issued a civil minute order at the hearing of August 27, 2019, ECF42, that the debtor bring forth amended schedules I and J.

As of September 17, 2019, no amended schedules I and J have been filed.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Juan Carlos Najera's Motion to Confirm the First Amended Plan has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the Motion to Confirm the First Amended Plan is denied.

3. [18-90805](#)-A-13     **IN RE: JAMES DUNN, AND NORMA DUNN**  
[DEF-5](#)

MOTION TO CONFIRM PLAN  
7-16-2019    [65](#)

DAVID FOYIL

#### **Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

#### **PLAN CONFIRMATION**

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

**COURT PREFERS USE OF THE CLERK'S MATRIX.**

There are reasons that the court prefers the use of the court's matrix as the standard list of creditors and parties in interest to whom a Rule 2002(a) notice is transmitted. Creditors and parties in interest, other than the debtor, are added to this matrix if they (i) are included in the Master Address List at the outset of the case by the debtor, (ii) are added to an amended Master Address List filed with the court, (iii) file a proof of claim in the case, (iv) file a request for special notice under § 342(e) or Fed. R. Bankr. P. 2002(g), (v) file a request with the Clerk's office to be added to the mailing list, (vi) file a global request under Rule 2002(g)(4) and 11 U.S.C. § 342(f) (assuming that they are originally identified as a creditor in the Master Address List by the debtor), or (vii) file a designation under Rule 5003(e). The court's matrix thus updates virtually automatically whenever a creditor or party in interest files a proof of claim, requests special notice, or files a global notice request under § 342(f). See 11 U.S.C. § 342(e), (f)(1)-(2); see also Fed. R. Bankr. P. 2002(g)(1), (2).

It would be cumbersome and impracticable for an attorney to ensure proper notice is given by monitoring each filing of a proof of claim, request for special notice, designation pursuant to Rule 5003(e), and global request made potentially with a different bankruptcy court. Therefore, the court prefers its mailing matrix for notice purposes because parties relying on their own self-constructed list for notice tend to miss at least one or more creditors or transmit notice to incorrect addresses for creditors and parties in interest.

4. [18-90714](#)-A-13     **IN RE: JARED MEEK AND LAUREN LONGWELL**  
[BSH-8](#)

CONTINUED MOTION TO CONFIRM PLAN  
7-16-2019    [\[105\]](#)

BRIAN HADDIX  
RESPONSIVE PLEADING

**Final Ruling**

**Motion:** Continued Motion to Confirm Plan

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Denied

**Order:** Civil Minute Order

**PLAN CONFIRMATION**

This is a continued hearing. The debtor bears the initial burden of proof by a preponderance of evidence that the plan meets all confirmation requirements. *In re Warner* 115 BR 233, 236 (BC CD CA 1989); see also *In re Wolff* 22 BR 510, 512 (9th Cir. BAP 1982); see G. Plan Confirmation Procedure, Cal. Prac. Guide Bankruptcy Ch. 13-G. When an objector has come forward with evidence to support the

objection, the debtor bears the burden to produce rebuttal evidence. *In re Mendenhall* 54 BR 44, 47 (BC WD AR 1985).

Trustee stated that: i) Trustee cannot determine whether the plan is feasible. The debtors have failed to file the amended schedules I and J, and Trustee has not been made aware of an amended schedule I filed since the case's inception; ii) the debtors did not act in good faith. Since Trustee's last objection on 12/04/2018, the debtors have not amended their schedules, nor provided the requested income documentation to help Trustee whether the plan is feasible.

The court issued a civil minute order at the hearing of August 27, 2019, ECF119, that the debtor bring forth amended schedules I and J.

As of September 17, 2019, no amended schedules I and J have been filed.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Jared Meek and Lauren Longwell's Continued Motion to Confirm Plan has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the Continued Motion to Confirm Plan is denied.

5. [19-90421](#)-A-13     **IN RE: NARCISSA THOMAS**  
[GLF-5](#)

MOTION TO CONFIRM PLAN  
8-20-2019    [\[88\]](#)

JESSICA GALLETTA  
RESPONSIVE PLEADING

**No Ruling**

6. [18-90928](#)-A-13     **IN RE: JOHN/TERRI THEILER**  
[GSJ-2](#)

MOTION TO MODIFY PLAN  
7-9-2019    [\[35\]](#)

GRACE JOHNSON  
RESPONSIVE PLEADING

**No Ruling**

7. [19-90340](#)-A-13     **IN RE: ROBERT/DENNELL CALLAGHER**  
[MSN-2](#)

CONTINUED MOTION TO CONFIRM PLAN  
6-27-2019    [\[28\]](#)

MARK NELSON  
RESPONSIVE PLEADING

**Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994).

Trustee no longer opposes confirmation of the debtors' plan, as of September 17, 2019.

8. [16-90349](#)-A-13     **IN RE: WARREN/LYNETTE MCGHEE**  
[JAD-2](#)

MOTION TO MODIFY PLAN  
8-15-2019    [\[32\]](#)

JESSICA DORN  
RESPONSIVE PLEADING

**Final Ruling**

**Objection:** Objection to Motion

**Notice:** LBR 3015-1(c); no written opposition required

**Disposition:** Continued to October 22, 2019

**Order:** Civil minute order if appropriate

This motion will be continued to October 22, 2019 at 10:30 a.m.

9. [17-90554](#)-A-13     **IN RE: JASPAL SINGH**  
[TOG-10](#)

MOTION TO MODIFY PLAN  
8-14-2019    [\[193\]](#)

THOMAS GILLIS

**Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification.



10. [19-90475](#)-A-13     **IN RE: AJIT/ROSIE SANDHU**  
[SAN-1](#)

MOTION TO VALUE COLLATERAL OF ERIC PALOFAX AND/OR MOTION TO  
AVOID LIEN OF ERIC PALOFAX  
8-20-2019    [\[34\]](#)

YASHA RAHIMZADEH  
RESPONSIVE PLEADING

### **Tentative Ruling**

**Motion:** Value Collateral [Real Property; Principal Residence]

**Disposition:** Denied without prejudice

**Order:** Civil Minute Order

The motion seeks to value real property collateral that is the moving party's principal residence. The debtor's house value is \$295,000. First deed of trust is valued at \$111,626.92. The debtors claim they have an exemption of \$175,000 (ECF34).

### **LAW**

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the responding party's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25.

### **DISCUSSION**

The debtors have failed to make a prima facie showing for relief. *Lam* motions may only be granted if the second trust deed is wholly unsecured. In this case, that is not the case. The court finds the value of the property being \$295,000. The first deed of trust is valued at \$111,626.92. The exemption is wholly irrelevant. As a result, the debtors have equity secured of \$183,373.08 to which the Second Deed of Trust attaches. As a consequence, debtors have not shown entitlement to relief.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Ajit and Rosie Sandu's Motion to Value Collateral have been presented to the court. Having considered the motion together with

papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied.

11. [19-90475](#)-A-13     **IN RE: AJIT/ROSIE SANDHU**  
[SAN-2](#)

MOTION TO VALUE COLLATERAL OF SAWTANTRA K CHOPRA AND/OR  
MOTION TO AVOID LIEN OF SAWTANTRA K CHOPRA  
8-20-2019    [\[36\]](#)

YASHA RAHIMZADEH

#### **No Ruling**

12. [16-90997](#)-A-13     **IN RE: DOUGLAS KITCHENS**  
[MSN-1](#)

MOTION TO INCUR DEBT  
9-6-2019    [\[24\]](#)

MARK NELSON

#### **Tentative Ruling**

**Motion:** Approve New Debt [Mortgage Loan to Finance Home Purchase]

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks to incur new debt to finance the purchase of a new home. Amended Schedules I and J have been filed indicating that the debtor can afford both the plan payment and the proposed monthly loan payment of principal and interest that would result from obtaining this financing. The court will grant the motion, and the trustee will approve the order as to form and content.

13. [15-91198](#)-A-13     **IN RE: LICHA ABOU NAOUM**  
[TLC-1](#)

MOTION FOR HARDSHIP DISCHARGE  
8-22-2019    [\[40\]](#)

TAMIE CUMMINS

**No Ruling**

14. [19-90599](#)-A-13     **IN RE: LINDA EXPOSE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
9-4-2019    [\[37\]](#)

9/6/19 INSTALLMENT PAID \$80

**Final Ruling**

The installment having been paid, the order to show cause is discharged. The case will remain pending.

15. [19-90599](#)-A-13     **IN RE: LINDA EXPOSE**  
[DVW-1](#)

MOTION TO CONFIRM TERMINATION OR ABSENCE OF STAY AND/OR  
MOTION FOR RELIEF FROM AUTOMATIC STAY  
9-10-2019    [\[49\]](#)

DIANE WEIFENBACH/ATTY. FOR MV.

**Tentative Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 5431 Pountsmonth Drive, Salida, CA 95368

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## **SECTION 362(j)**

11 U.S.C. Section 362(j) states: "On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated."

11 U.S.C. Section 362(c)(4)(A)(i) provides that there is no automatic stay imposed in Bankruptcy case when two (2) or more single or joint cases were filed by or against the debtor and were pending, but dismissed within the year preceding the petition date.

Here, The debtor had two such cases (Case No. 9:2019-bk-90079, Case No. 9:2019-bk-90314). In the present case, the debtor has not moved for nor has the court ordered in position of the stay. As a consequence, there is no stay to terminate.

As a result, this court will treat this motion as a request for stay relief in the present case.

## **STAY RELIEF**

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

Movant cited the following reasons to terminate the stay: i) the debtor defaulted on her obligations under the Note and Deed of Trust recorded on February 14, 2019; ii) the debtor is 4.5 years delinquent on an April 1, 2015 mortgage payment; iii) the pre-petition arrears amount to no less than \$67,901.90, while the plan amounts to ; iv) the total debt due and owing Movant is no less than \$456,467.02; v) movant U.S. Bank has not received post-petition mortgage payments from Trustee; vii) this is the debtor's third consecutive pending bankruptcy case filed within the last one year.

The debtor acted in bad faith in her bankruptcy filings, thereby giving cause for the court to waive the 14 day stay period under Fed Rules Bankr. Procedure, R. 4001(a)(3).

The debtor has missed 2 post-petition payments due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **IN REM RELIEF:**

##### **SECTION 362(d)(4)**

Section 362(d)(4) authorizes binding, in rem relief from stay with respect to real property "if the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either—(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or (B) multiple bankruptcy filings affecting such real property." 11 U.S.C. § 362(d)(4).

The B.A.P. has specified the elements for relief under this subsection of § 362. "To obtain relief under § 362(d)(4), the court must find three elements to be present. [1] First, debtor's bankruptcy filing must have been part of a scheme. [2] Second, the object of the scheme must be to delay, hinder, or defraud creditors. [3] Third, the scheme must involve either (a) the transfer of some interest in the real property without the secured creditor's consent or court approval, or (b) multiple bankruptcy filings affecting the property." *In re First Yorkshire Holdings, Inc.*, 470 B.R. 864, 870-71 (B.A.P. 9th Cir. 2012) (footnote omitted). [4] Fourth, the movant creditor must be a creditor whose claim is secured by real property. *In re Ellis*, 523 B.R. 673, 678 (B.A.P. 9th Cir. 2014) ("Applying its plain meaning, this provision of the Code authorizes a bankruptcy court to grant the extraordinary remedy of in rem stay relief only upon the request of a creditor whose claim is secured by an interest in the subject property.").

An order entered under this subsection must be recorded in compliance with state law to "be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order." § 362(d)(4).

This court finds that the debtor has filed no less than six bankruptcies in the last 3 years, two of which were filed in 2019. This court finds that the debtor's actions are part of a scheme to delay or hinder creditors.

#### **CIVIL MINUTE ORDER**

Linda Expose's motion for relief from the automatic stay under § 362(d)(4) has been presented to the court. Having rendered findings of fact and conclusions of law orally on the record pursuant to Fed. R. Civ. P. 52, as incorporated by Fed. R. Bankr. P. 7052:

IT IS ORDERED that the request for relief under 362(j) is denied;

IT IS FURTHER ORDERED that the automatic stay of 11 U.S.C. § 362(a) is vacated with respect to real property commonly known as 5431 Pountsmonth Drive, Salida, CA 95368; and

IT IS FURTHER ORDERED, under 11 U.S.C. § 362(d)(4), that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either transfer of all or part ownership of, or other interest in, the aforesaid real property without the consent of the secured creditor or court approval; or multiple bankruptcy filing affecting such real property.